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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,625	09/25/2003	Daniel Triplett	1016720012P	6736

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EXAMINER	
LANDRY II, GERALD ERNEST	
ART UNIT	PAPER NUMBER
3763	
MAIL DATE	DELIVERY MODE
01/08/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/670,625	TRIPLETT ET AL.	
	Examiner	Art Unit	
	GERALD LANDRY II	3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 October 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) *12-14* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11, 15-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Lines 13-15 state: "the second cross-sectional area substantially the same as an outer wall of the inner lumen".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-11, and 15-23 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Pub. No. 2004/0181209 to Gross.

Regarding claims 1-11, and 15-23, Gross teaches a body, having a proximal end and distal end, comprising: a first passageway extending from a first opening on the distal end of the body to a second opening on the proximal end of the body and configured to receive an inner lumen of a coaxial catheter; a shoulder on an outer surface of the distal end, positioned proximate the first opening, wherein the shoulder is configured to abut a wall of an outer lumen

of a coaxial catheter; and a second passageway extending from the first passageway to a third opening, the first passageway having a first cross-sectional area from the distal end of the body to the second passageway and a second cross-sectional area from the second passageway to the proximal end of the body, the first cross-sectional area larger than the second cross-sectional area, the second cross-sectional area substantially the same as an outer wall of the inner lumen **(refer to marked-up figure below)**; wherein the second passageway forms an angle with the first passageway in the range of approximately 15 to 60 degrees **(refer to marked-up figure below)**; wherein the body is comprises of a material selected from the group consisting of plastic, stainless steel, titanium, nitinol and epoxy **(passage 0043)**; wherein an outer surface distal of the shoulder is tapered **(refer to marked-up figure below)**; wherein the first passageway has a smaller diameter proximal to the point at which the second passageway connects thereto **(referring to the marked-up figure below it is seen that the subsequent passageways occupy space in the first passageway, also there is a slight taper in the first passageway leading to a slight continuous decrease in diameter as you traverse from the distal end to the proximal end)**; wherein a diameter of the second passageway increases at a point adjacent the third opening **(refer to marked-up figure below)**; further comprising a second shoulder on an outer surface of the proximal end positioned proximate the third opening, wherein the second shoulder is configured to abut a wall of an extension tube **(refer to marked-up figure below)**; a coaxial catheter comprising at least two lumens, an inner lumen and an outer lumen; at least two extension tubes; and an insert positioned between the catheter and the tubes, comprising: a body, having a proximal end and distal end, comprising: a first passageway extending from a first opening on the distal end of the body to a second opening on the proximal

end of the body and configured to receive the inner lumen of the coaxial catheter; a shoulder on an outer surface of the distal end, positioned proximate the first opening, wherein the shoulder is configured to abut a wall of an outer lumen of the coaxial catheter; and a second passageway extending from the first passageway to a third opening, the first passageway having a first cross-sectional area from the distal end of the body to the second passageway and a second cross-sectional area from the second passageway to the proximal end of the body, the first cross-sectional area larger than the second cross-sectional area **(refer to figure 3 and marked-up figure below)**; wherein the inner lumen of the coaxial catheter is positioned within the first passageway of the body and the distal end of the body is positioned within the outer lumen of the coaxial catheter, the shoulder abutting a wall thereof **(refer to figure 3 and marked-up figure below)**; wherein a first of the extension leg tubes is connected to the inner lumen of the coaxial catheter and a second of the extension tubes is connected to the second opening of the body **(capability shown in figure 3 and marked-up figure below)**; further comprising a hub molded over a proximal end of the coaxial catheter and the body, wherein the body is completely encapsulated by the hub **(refer to marked-up figure below)**; a first generally tubular member; an insert including a first leg positioned in a proximal opening of the first member; A second generally tubular member positioned coaxially in a lumen of the first member and a first channel of the insert; and a hub disposed over the insert and a proximal end of the first member **(refer to marked-up figure below)**; the first leg extending from a distal end of the insert and terminating at a shoulder disposed on an outer surface of the insert **(refer to marked-up figure below)**; a surface of the first member proximal end contacting the shoulder **(refer to marked-up figure below)**; wherein the first leg has a tapered outer surface **(refer to marked-up figure below)**; the

insert including a second channel in fluid communication with the first channel and the first member lumen **(refer to marked-up figure below)**; wherein a longitudinal axis of the second channel forms an angle with a longitudinal axis of the first channel in the range of about 15 degrees to about 60 degrees **(refer to marked-up figure below)**; further comprising a third generally tubular member having a distal end adjacent a first proximal insert opening, the third member in fluid communication with the second member **(refer to marked-up figure below)**; further comprising a fourth generally tubular member, the insert including a second leg positioned in a distal opening of the fourth member **(refer to marked-up figure below)**; wherein the hub is disposed over the distal ends of the third and fourth members **(refer to marked-up figure below)**.

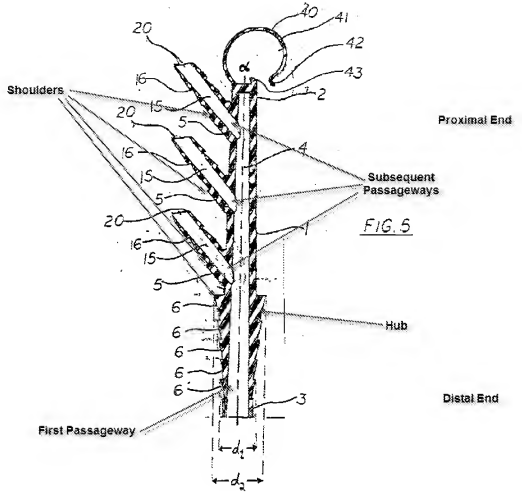

FIG. 5

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERALD LANDRY II whose telephone number is (571)270-7409. The examiner can normally be reached on M-F, 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GEL/
Examiner, Art Unit 3763

/Nicholas D Lucchesi/
Supervisory Patent Examiner, Art Unit 3763